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Page: B. 1

Furlough days prompt complaint

The largest state employees union takes issue with the governor's order to shut down state government to save money, claiming it violates a ban against lockouts.

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JOURNAL STATE HOUSE BUREAU

PROVIDENCE — Governor Carcieri's days-old order to shut down state government for one day every month between now and June 30 prompted the filing yesterday of a class-action complaint by the largest state employees union.

In a grievance filed on behalf of about one-third of the state's

15,000-plus employees, Council 94 of the American Federation of State, County & Municipal Employees accused the Carcieri administration of multiple contract violations, including a violation of an explicit ban against lockouts. With the first of the shutdown days scheduled for Friday, March 30, and the next scheduled for the following Friday — within the same two-week pay

period — Council 94 executive director Dennis Grilli demanded what he called expedited arbitration in the cover letter he sent the state's top in-house labor lawyer, John Breguet, yesterday.

"We feel that arbitration would be the proper procedure for this lockout," Grilli said in an interview, noting that the governor's office has been unwilling to negotiate the shutdown. "It violates the clear and plain language of our contract."

The union action was not unexpected. Other locals — including those affiliated with the La-

borers International Union of North America — are mulling similar action. And union leaders have not ruled out a fast trip to court as well.

Grilli acknowledged that the Superior Court ruled against his union in 1991 when it challenged a shutdown proposed by former Gov. Bruce Sundlun.

"Even though in 1991 we weren't successful in court," he said. "We're still not ruling that out."

Late yesterday, Carcieri spokesman Jeff Neal said key administration officials had not

yet seen the grievance but "we are very confident that the governor's order is perfectly appropriate under union contracts and state law."

"If the executive order is challenged, we have every reason to believe it will be upheld," he said.

And, "finally, it is important to remember that the state is facing a \$105-million budget shortfall in the current fiscal year and that these savings must be achieved somewhere in the budget. If we

SEE FURLOUGH, B3

Page 1 of 2

Furlough

Continued from Page B1

do not achieve these savings through furlough days, we will be forced to find these savings in other areas of the state budget."

Simply put, revenues lagged and spending exceeded expectations in several high-profile areas, including the state prison. The administration has also wrestled to produce the 5.2 percent in unspecified "personnel reductions" on which lawmakers balanced this year's budget without making any major employee cuts themselves. That would require overall employee wage-and-benefits savings of more

than \$32 million.

Aimed at saving a total of \$9.6 million this year, including \$6 million in state general-revenue funds, the executive order that Carcieri issued Friday would close all but the most "essential" 24-hour-a-day operations of state government. The order does not specify the days, leaving that decision up to Beverly Najarian, the director of administration.

But a statement issued by the governor's office that same day called for shutdowns one Friday every month on March 30, April 6, May 25 and June 8. In a question-and-answer memo to state workers, the administration said: "Despite efforts to avoid adverse impacts to state employees, the size and nature of the current fis-

cal crisis make this measure unavoidable ... This is one of the few ways to reduce expenditures without curtailing the state's continuing ability to meet its statutory obligations to the citizens ..."

Asked yesterday if the governor himself intended to take the same four unpaid days off between now and the end of the fiscal year, Neal said an unequivocal yes.

"The furlough days apply to Governor Carcieri, the governor's staff and all the directors of his state departments. There are no exceptions," he said.

Last week, Carcieri sent all of his fellow general officers — including the secretary of state, state treasurer and lieutenant governor, a letter asking them "to

recognize the fiscal predicament of the state ... [and] undertake similar or equivalent action to reduce the financial burdens imposed on the state's budget."

A spokesman for Secretary of State A. Ralph Mollis said he was still reviewing the governor's letter. Echoed General Treasurer Frank Caprio's spokesman Peter Kerwin: "We haven't made a decision yet. We are assessing that right now... and what the general-revenue savings would be for our budget."

But Kerwin said Caprio is concerned about closing the state treasury office on days when the stock market and banking networks are open for business, and specifically during the days just after the treasurer's office goes

public with its annual list of names of people — more than 28,000 this year — with forgotten bank accounts and other unclaimed property subject to state seizure if not claimed within a specified period of time. The list is scheduled to appear in the state's largest newspaper, The Providence Journal, on March 20 and smaller papers on March 27.

"From a customer-service perspective, we are concerned about directing people to contact our office in this paid advertisement and not having anyone there to answer the calls and e-mails. Publication of those lists is one of the office's primary outreach tools. Having that office take a day or two off in the middle of this very busy period would be like a

retail store closing down the day after Thanksgiving," Kerwin said. The treasurer's office has 86.5 employees overall.

Lt. Gov. Elizabeth Roberts said a firm no, while promising to make up the savings in some other way.

"Our state faces a difficult financial situation and balancing this year's budget in a responsible manner should be the priority for all of us in government," she said. "My office will meet our budgetary savings through operational cuts and possibly some personnel savings. However, I will not be furloughing employees to recognize these savings."

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Page 2 of 2